

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MARK A. WOOD,	:	Case No. 3:11-CV-32
Plaintiff,	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael J. Newman
PHIL PLUMMER, <i>et al.</i> ,	:	
Defendants.	:	

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 47)

The Court has reviewed the January 15, 2013 Report and Recommendation of United States Magistrate Judge Michael J. Newman (doc. 47), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b)(2) has expired, hereby **ADOPTS** said Report and Recommendation.

It is therefore **ORDERED** as follows:

1. Defendants' two motions for summary judgment (docs. 36, 39) are **GRANTED**;
2. Judgment is entered in favor of Defendants and against Plaintiff;
3. The Court **CERTIFIES** that an appeal of this Order would be frivolous and not be taken in objective good faith, and therefore Plaintiff is **DENIED** *in forma pauperis* status on such an appeal; and
4. This case is **CLOSED**.

February 12, 2013

s/THOMAS M. ROSE

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE